UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

| UNITED STATES OF AMERICA, |) Case No.: 10-CR-00931-LHK |
|---------------------------|---|
| Plaintiff, v. | ORDER RE: UNITED STATES SUPPLEMENTAL RULE 14 SUBMISSION |
| CLAY H. ROJAS, ET AL., | } |
| Defendants. |))) |

The United States asks this Court to sever the trials in this case or rule that Defendants' statements are admissible. It is difficult for the Court to make such a ruling when defense counsel have not had the opportunity to state their positions on the admissibility of the statements. Further, the United States has not identified the specific statements it intends to introduce, and the basis for the admissibility of those statements. Moreover, the United States has not filed a motion for severance. At the March 30, 2011 Status Conference in this case, the Court stated that the statements of Defendants Rojas and Rodriguez that the United States submitted to the Court do not clearly implicate Bruton and asked the United States to clarify its Bruton theory. The United States' Supplemental Rule 14 Submission does not provide sufficient clarification. If the United States wants severance or a ruling on the admissibility of Defendants' statements, the United States, on or before April 13, 2011, shall file a motion requesting such. The hearing on the motion will take place on April 27, 2011 at 10 a.m., the date and time of the next Status Conference in this case. If this case is not severed for trial, and Defendant Rodriguez and her counsel are not

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| available on the dates set for trial for Defendant Rojas, the Court may continue the trial date of |
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| Defendant Rojas so that Defendants Rojas and Rodriguez may be tried together. |

IT IS SO ORDERED.

Dated: April 5, 2011

L**U**CY H. KOH
United States District Judge

Lucy H. Koh

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